

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 489

Introduced by Assembly Member Huffman

February 24, 2009

An act to amend ~~Section 8051 of~~ Sections 8040 and 15003 of, to repeal Section 8051 of, and to repeal and add Section 8042 of, the Fish and Game Code, relating to commercial fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 489, as amended, Huffman. Commercial fishing.

Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires specified persons to pay ~~landing taxes quarterly~~ commercial fishing fees calculated on the total weight of fish delivered, based on a ~~rate-per-pound~~ schedule applicable to specified aquatic species.

This bill would ~~require payment of landing taxes quarterly, based on that rate schedule, or pursuant to a rate as determined by the Fish and Game Commission; delete that fee requirement and that rate schedule, and, instead, impose a fee calculated as a set percentage of the average ex-vessel price, as defined, established by the Fish and Game Commission for a species or complex of fish.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) *The Department of Fish and Game is responsible for*
2 *managing and protecting the state fisheries resources. As part of*
3 *that responsibility the department regulates, manages, and oversees*
4 *commercial fishing.*

5 (b) *The Department of Fish and Game receives revenue to fund*
6 *regulation, management, and oversight of commercial fishing in*
7 *the form of permit fees, licenses, stamps, landing taxes, and the*
8 *General Fund.*

9 (c) *Based on a 2005 report by the Department of Fish and*
10 *Game, the revenue received from the commercial fishing industry*
11 *covers only 22 percent of the program costs. The report indicates*
12 *that the ex-vessel value of commercial fish landed in 2005 was*
13 *approximately \$109 million and the landing tax revenue to the*
14 *state equaled only one percent or \$1 million.*

15 (d) *In order to more equitably distribute the financial burden*
16 *on the commercial fishing industry and generate additional revenue*
17 *to fund the regulation, management, and oversight of commercial*
18 *fishing, it is the intent that a commercial landing tax in California*
19 *should be established, based on the ex-vessel value of the fish, as*
20 *done in Washington and Oregon.*

21 SEC. 2. *Section 8040 of the Fish and Game Code is amended*
22 *to read:*

23 8040. The following definitions govern the construction of this
24 article.

25 (a) “Commercial fisherman” means a person who has a valid,
26 unrevoked commercial fishing license issued pursuant to Section
27 7850.

28 (b) “Landing tax” means a privilege tax imposed pursuant to
29 this article.

30 (c) “Ex-vessel price” means the price paid for fish at the time
31 the fish are delivered by the commercial fisherman to the fish
32 receiver or processor as described in Section 8041.

33 SEC. 3. *Section 8042 of the Fish and Game Code is repealed.*

34 ~~8042. The amount of the landing tax under this article shall be~~
35 ~~determined by multiplying the tax rate for the type of fish delivered~~
36 ~~by a commercial fisherman in this state in accordance with the~~
37 ~~schedule in Section 8051 by the number of pounds, or fraction~~
38 ~~thereof, delivered. If the tax is imposed based upon weight in the~~
39 ~~round, and the fish is cleaned, gutted, beheaded, or otherwise not~~

~~in the round at the time of delivery, the taxes shall be adjusted by a conversion factor as determined by the department by regulation.~~

SEC. 4. Section 8042 is added to the Fish and Game Code, to read:

8042. (a) The amount of the landing tax under this article shall be a percentage of the average ex-vessel price for that species or complex of fish. As used in this section, "complex of fish" means a group of fish species managed under the same federal or state fishery management plan.

(b) The landing tax shall be set as follows:

(1) Beginning January 1, 2011, the percentage shall be 1 and one-half percent of the average ex-vessel price for any species or complex of fish.

(2) Beginning January 1, 2013, the percentage shall be 3 percent of the average ex-vessel price for any species or complex of fish.

(c) The commission shall establish the average ex-vessel price for each species or complex of fish for the purpose of this section based on the prior year statewide average ex-vessel price.

SEC. 5. Section 8051 of the Fish and Game Code is repealed.

~~8051. (a) The landing tax imposed pursuant to Section 8041 shall be determined pursuant to Section 8042 by using the tax rates in the following schedule:~~

| | Rate per |
|--|---------------------|
| - | pound |
| -(1) All fish, except as otherwise specified in | \$0.0013 |
| this section..... | |
| -(2) Mollusks and crustaceans, excluding squid | .0125 |
| and crab..... | |
| -(3) Crab..... | .0019 |
| -(4) Squid..... | .0019 |
| -(5) Salmon, based only on the weight in the | .0500 |
| round..... | |
| -(6) Lobster..... | .0125 |
| -(7) Abalone..... | .0125 |
| -(8) Anchovies..... | .0013 |
| -(9) Sardines..... | .0063 |

| | | |
|----|--|------------------|
| 1 | - | Rate per |
| 2 | - | pound |
| 3 | (10) Mackerel..... | .0013 |
| 4 | (11) Halibut..... | .0125 |
| 5 | (12) Angel shark, based only on the weight in | .0113 |
| 6 | | |
| 7 | the round..... | |
| 8 | (13) Swordfish, based only on the weight in | .0125 |
| 9 | | |
| 10 | the round..... | |
| 11 | (14) Thresher shark, based only on the weight | .0113 |
| 12 | | |
| 13 | in the round..... | |
| 14 | (15) Bonito shark, based only on the weight in | .0113 |
| 15 | | |
| 16 | the round..... | |
| 17 | (16) Herring..... | .0125 |
| 18 | (17) Sea urchin..... | .0013 |
| 19 | (18) The following fish:..... | .0125 |
| 20 | | |
| 21 | Barracuda | |
| 22 | | |
| 23 | Flying fish | |
| 24 | | |
| 25 | Frogs | |
| 26 | | |
| 27 | Gaint sea bass | |
| 28 | | |
| 29 | Saltwater worms | |
| 30 | | |
| 31 | White sea bass | |
| 32 | | |
| 33 | Yellowtail | |
| 34 | | |

(b) ~~This section shall become operative on January 1, 1994.~~

SEC. 6. *Section 15003 of the Fish and Game Code is amended to read:*

15003. (a) The department may assess a fee on persons growing aquaculture products on public lands and in public waters based on the price per pound of the products sold. The fees, if

imposed, shall be set at amounts necessary to defray the costs of the commission and the department in administering this division. However, the fees if any, ~~may~~ *shall* not exceed the tax rates as provided in Section ~~8051~~ 8042.

(b) The price per pound for these taxation purposes shall be based on the whole product weight or its equivalent as taken by the lessee.

(c) The privilege tax imposed by this section shall be paid monthly to the department within 30 days after the close of each month. If not paid within 60 days after the close of the month in which it is due, a 10 percent penalty shall be paid.

~~SECTION 1. Section 8051 of the Fish and Game Code is amended to read:~~

~~8051. The landing tax imposed pursuant to Section 8041 shall be determined pursuant to Section 8042 by using the tax rates in the following schedule, or pursuant to a rate as determined by the commission:~~

| | Rate per pound |
|--|---|
| (1) All fish, except as otherwise specified in this section..... | \$0.0013 |
| (2) Mollusks and crustaceans, excluding squid and crab..... | .0125 |
| (3) Crab..... | .0019 |
| (4) Squid..... | .0019 |
| (5) Salmon, based only on the weight in the round | .0500 |
| (6) Lobster..... | .0125 |
| (7) Abalone..... | .0125 |
| (8) Anchovies..... | .0013 |
| (9) Sardines..... | .0063 |
| (10) Mackerel..... | .0013 |
| (11) Halibut..... | .0125 |
| (12) Angel shark, based only on the weight in the round..... | .0113 |
| (13) Swordfish, based only on the weight in the round..... | .0125 |
| (14) Thresher shark, based only on the weight in the round..... | .0113 |
| (15) Bonito shark, based only on the weight in the | |

| | | |
|----|-------------------------------|-------|
| 1 | — round..... | .0113 |
| 2 | (16) Herring..... | .0125 |
| 3 | (17) Sea urchin..... | .0013 |
| 4 | (18) The following fish:..... | .0125 |
| 5 | —Barracuda | |
| 6 | —Flying fish | |
| 7 | —Frogs | |
| 8 | —Giant sea bass | |
| 9 | —Saltwater worms | |
| 10 | —White sea bass | |
| 11 | —Yellowtail | |
| 12 | | |

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